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OFFICE OF PETITIONS

In re Application of	:	
Tseng et al.	:	
Application No. 09/892,014	:	ON PETITION
Filing Date: 06/25/2001	:	
Attorney Docket Number:	:	
TSENG-8901	:	

This is a decision on the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed August 8, 2006.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely reply to the final office action, mailed February 24, 2004. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available.

Applicant filed an improper CPA on August 24, 2004, in response to the Office action, and stated that the extension of time fee would be paid after Applicant received a filing receipt¹. Applicant was notified of the improper CPA filing on October 1, 2004. A Notice of Abandonment was mailed April 5, 2005.

Applicant filed a petition to revive the application under 37 CFR 1.137(b) on March 24, 2006, and stated in the petition that the reply "was enclosed herewith"; however, still did not submit the RCE fee.

The petition was dismissed in a Decision mailed June 23, 2006. The Decision dismissing the petition advised Applicant of the improper RCE filing, and required the RCE fee.

The present Petition

Applicant files the instant petition and includes the RCE fee. Applicant has also included an additional "petition fee" of \$130.00.

¹ The CPA did not include the Request for Continued Examination (RCE) fee under 37 CFR 1.114.

Applicant is advised that the petition fee for the petition under 37 CFR 1.137(b) was previously submitted with the original petition. The petition fee is not required in a request for reconsideration. Applicant is also advised that the petition fee submitted (\$130.00) is not the fee for a petition to revive an application either under 37 CFR 1.137(a) or (b). Applicant is advised to consult the fee schedule at www.uspto.gov for a listing of current Office fees. Applicant may request a refund of the \$130.00 "petition fee" by writing to the Office of finance, Refund Section, and including a copy of this Decision.

This application is being referred to Technology Center Art Unit 1743 for processing of the RCE, filed August 24, 2004, and amendment, filed August 8, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.



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Attorney
Office of Petitions